THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22946 of 2007

DATED: 30-10-2007

BETWEEN

Dasari Vinoda,
W/o. Malla Reddy,
R/o. 12-10-1865,
Bhagyanagar,
Karimnagar.

...PETITIONERS

AND

The District Collector,
Karimnagar and others.

…RESPONDENTS

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

2. It is the case of the petitioner that she purchased the land in an extent of Ac.2.00 guntas in Sy.No.177 situated at Rekurthi Village, Karimnagar Mandal and District, from her vendors, after verifying the revenue records that they are not assigned lands and the said lands are patta lands. While so, the Tahsildhar, Karimnagar, issued notices to the so-called assignees, but not to the petitioner, even though she purchased the lands and she was in possession of the same. As no explanations were received pursuant to the said cause notices, the Tahsildar, Karimnagar, passed impugned orders in File No.B/401/2007-47 dated 31.08.2007, in exercise of powers conferred under Section 4(1) (a) and (b) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, (for short 'the Act) on the ground that the said lands are assigned lands and the assignees transferred the lands in favour of the petitioner in violation of Section 3(2) of the Act and accordingly, while canceling the assignment orders, resumed the lands in question into the Government custody.

3. Learned counsel appearing for the petitioner submits that as per Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007, the Authorized Officer before passing orders under Section 4(1) (a) and (b) of the Act, shall issue notices in Form-I to the assignees and Form-II to the transferee of the said assigned lands. But, in the instant case, notice in Form-II has not been served on the transferee and, therefore, the impugned orders passed by the Tahsildhar, Karimnagar, are illegal and contrary to the provisions of the Act.

4. I am not inclined to express any opinion on the merits of the case, as,

admittedly, the impugned orders are appealable and the material available on record goes to show that the notice has not been served on the petitioner and final order has not been furnished to the petitioner. But, however, on instructions, the learned Government Pleader for Revenue appearing for the respondents, produced copies of the final orders before this Court. As the copies of the final orders are made available, I am of the opinion that it is just and proper to permit the petitioner to file an appeal under Section 4-A (1) of the Act before the Revenue Divisional Officer, Karimnagar District.

Accordingly, the writ petition is disposed of permitting the petitioner to file appeal against the impugned orders passed by the Tahsildar, Karimnagar, in proceedings No.B/401/2007-47, within two weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents are directed not to dispossess the petitioner from the lands in question. If no such appeal is filed within two weeks from the date of receipt of a copy of this order,

the order passed by this Court shall stand vacated and it is open for the respondents to take appropriate action, pursuant to the impugned orders. There shall be no order as to costs.

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V. ESWARAIAH, J

October 30, 2007
Note: Furnish C.C. of the order by 02.11.2007
(**B/o**)
DSK